

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

BOBBY SCHLUETER,

Plaintiff,

v.

NO. _____

INGRAM BARGE COMPANY,

Defendant.

JURY DEMANDED

COMPLAINT

COMES NOW Plaintiff, Bobby Schlueter (hereinafter “Plaintiff”), and for cause of action against Defendant, Ingram Barge Company (hereinafter “Defendant”), would state to the Court as follows:

1. Plaintiff is a resident of the State of Tennessee. He is an American seaman, and at all times material hereto he was a member of the crew of a motor vessel owned, operated, and under the control of the Defendant. That as an American seaman he is authorized to bring this action pursuant to 28 U.S.C. §1916 without the prepayment of costs or the necessity of depositing security therefor.

2. That at all times mentioned herein, Defendant was a corporation organized and existing under the laws of the State of Tennessee, with principal offices in Nashville, Tennessee. At all times material hereto, the Defendant was the owner of the M/V Sarah L. Ingram (hereinafter “the vessel”), and operated same on the inland waterways of the United States.

3. That this action is brought pursuant to 46 U.S.C. § 30104, the Jones Act, and the General Maritime Law of the United States. That jurisdiction is based upon 28 U.S.C. §1331.

4. That on or around February 7, 2014 Plaintiff was employed by the Defendant as a member of the deck crew of the vessel. At said time, the vessel was transiting southbound on the Ohio River, and the Plaintiff was working with the vessel's mate on the vessel's tow tightening wires. The barges and deck rigging were covered with ice. As part of the process of tightening the wires, the Plaintiff was attempting to tighten a winch that was iced over when it suddenly gave way and caused him to fall to the deck onto his right knee.

5. Prior to the accident the Plaintiff had advised the vessel's captain and the mate that there were extremely icy conditions on the barges, and that there was no deicer on the vessel. Deicer, however, was never procured.

6. That said injuries were caused by the negligence of the Defendant, its agents and employees, to-wit:

- a) By failing to provide a safe place in which to work;
- b) By failing to provide adequate deicing product; and,
- c) By requiring the Plaintiff to work on the barges in extremely icy and dangerous conditions.

7. That the aforesaid acts of negligence rendered the vessel unseaworthy as to the Plaintiff.

8. That as a result of the accident as aforesaid, Plaintiff was injured in the following respects:

- a) Plaintiff suffered bodily injuries, including injuries to his right knee and lower back that required medical intervention;

- b) Plaintiff developed complex regional pain syndrome;
- c) Plaintiff was required to seek and obtain necessary medical treatment in an effort to be cured and relieved of the effects of his injury;
- d) Plaintiff has incurred financial loss due to lost wages;
- e) Plaintiff has experienced pain and suffering in the past and will continue to experience the same in the future;
- f) Plaintiff's enjoyment of life has been diminished; and,
- g) Plaintiff has suffered permanent disability and impairment as a result of his injuries.

9. That the Plaintiff hereby demands a trial by jury.

WHEREFORE PLAINTIFF PRAYS:

- 1. That the Plaintiff be allowed to have a hearing on the merits of this claim, and after such hearing, that he be awarded a judgment against the Defendant for personal injury damages, actual and special, together with the cost of prosecuting this cause.
- 2. That the Plaintiff be awarded pre-judgment and post-judgment interest.
- 3. That a jury be empaneled to try the issues when joined.
- 4. That the Plaintiff be awarded the costs of this action, as well as such other, further, and general relief as to which justice may require.

Respectfully submitted,

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